UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,564	09/22/2003	Louis R. Degenaro	YOR920030126US1	6151

48150 7590 01/18/2011		EXAMINER
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC		SYED, FARHAN M
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SUITE 200	ART UNIT	PAPER NUMBER
VIENNA, VA 22182-3817	2165	

MAIL DATE	DELIVERY MODE
01/18/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action *Before the Filing of an Appeal Brief*	Application No. *10/665,564*	Applicant(s) DEGENARO ET AL.	
	Examiner FARHAN M. SYED	Art Unit 2165	

--*The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>03 January 2011</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165

/F. M. S./
Examiner, Art Unit 2165

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20110116

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant argues:

(1) The cited art fails to teach or suggest constructing at least one virtual resource independent of an actual resource.
The Examiner disagrees. The cited art teaches constructing (i.e. constructs. Furthermore, the Examiner finds support for construction in the provisional application, see page 6, which defines a constructor as a set of programming logic associated with the creation of an instance.)(paragraph [0248]) at least one virtual resource independent (a virtual model implementation. In addition, the Examiner finds support for a virtual model implementation as a model controller on page 24 of the provisional application.)(paragraph [0248]) of an actual resource (i.e. real implementation. The Examiner finds support for actual resource in the view controller of the provisional application, see page 25.)(paragraph [0248; 0550]).

(2) The cuted art fails to teach or suggest connecting the actual resource to the at least one virtual resource.
The Examiner disagrees. The cited art teaches connecting the actual resource to the at least one virtual resource (i.e. virtual resources are stored in a database. The Examiner finds support in the Provisional Application, see page 23, second paragraph, 'interaction between components...")(paragraphs [0248, 0437]).

(3) The cited art fails to teach or suggest extracting at least one descriptor from said at least one retrieved virtual resource, wherein said virtual resource comprises a resource utilized at a logic authoring time, while said actual resource comprises a resource utilized at a runtime.
The Examiner disagrees. The cited art teaches extracting at least one descriptor from said at least one retrieved virtual resource (i.e. descriptor contains the descriptions of features and functionality allowed and required in an implementation. It is a specific type of metadata)(paragraph [0049]), wherein said virtual resource comprises a resource utilized at a logic authoring time (i.e. virtual implementation using logic-based program.)(paragraphs [0079, 0250]), while said actual resource comprises a resource utilized at a runtime (i.e. run-time. The Examiner also finds support for runtime in the Provisional Application, see at least pages 20-21.)(paragraphs [0411-0412]).